

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 1154 - SB 1844**

March 12, 2011

**SUMMARY OF BILL:** Authorizes a local government entity involved in civil litigation to file a motion with the court to preclude use of the public records laws to obtain materials discoverable under the *Tennessee Rules of Civil Procedure* (TRCP). If the court rules in favor of the government entity, the TRCP control all subsequent discovery requests in the case. In the absence of such a motion by the local governmental entity, all records of the local government shall be open for public inspection.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

**Assumptions:**

- Courts will grant discovery motions under the TRCP for materials otherwise available under the public records law so that the materials will not be withheld from parties to the litigation.
- No fees or copying costs will be charged for production of public records obtained through discovery.
- Changing the mechanism through which parties to litigation involving a local governmental entity obtain public records when the requesting party is also a party in the litigation will not result in a significant impact on current procedure or public records litigation.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, reading "James W. White".

James W. White, Executive Director

/jdb

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